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ABSTRACT

This handbooks is intended to provide Alaska state agencies and other employers in Alaska with a reference guide to assist in meeting the employment provisions of the Americans with Disabilities Act (ADA) of 1990. The first section briefly reports on a national survey to measure business awareness, attitudes, and reactions to the Act. Summarized in the second section are results of a 1991 poll of Americans concerning employment and people with disabilities. Major areas covered by the ADA are then listed. Following sections address questions concerning the following: costs of employing people with disabilities; definition of a disability under the ADA; employers covered by the ADA;p employment practices covered by the ADA; the meanings of specific ADA terminology including a "qualified individual with a disability," "essential duties," and "reasonable accommodation"; how to identify a reasonable accommodation and when an accommodation becomes an undue hardship; interviewing and pre-employment questions; the role of the Alaska Division of Vocational Rehabilitation; limitations concerning the employer's right to require medical exams or ask questions about an individual's disability; illegal drug use not recognized as a disability under the ADA; and enforcement of the employment provisions of the ADA. Appendices provide additional detail concerning the ADA Title I employment regulations, employer and employee tax incentives, and ADA resources (both Alaskan and national). (DB)

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The Americans with Disabilities Act (ADA)

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EMPLOYMENT HANDBOOK

published by
the
State of Alaska
Americans with Disabilities Act Compliance Office

based on
"The Americans with Disabilities Act -- Your Responsibilities as an Employer"
published by the U.S. Equal Employment Opportunity Commission

and

"The Americans with Disabilities Act (ADA) Handbook"
published by the Nebraska Department of Personnel

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-- A Message from Keith Anderson, State ADA Coordinator

ADA -- The Americans with Disabilities Act of 1990

As Alaska's Coordinator for the Americans with Disabilities Act, I would like to request your support and cooperation in our joint commitment to comply with the Americans with Disabilities Act of 1990.

The ADA is an enormous challenge, but the equitable treatment and expansion of opportunities for individuals with disabilities in Alaska is an obtainable goal. The results of our efforts will produce productive and fully integrated members of the community who welcome this opportunity to work, contribute and take their rightful place in society. This great land in which we live can and should provide all its citizens with the independence and opportunity which is available in such abundance in Alaska.

The State of Alaska Office of The Americans with Disabilities Act Compliance Office, is coordinating the Title I Employment compliance efforts of the ADA for state agencies. This office and the Division of Personnel, Department of Administration, serve as ADA resources for state agencies to ensure that State employment procedures are appropriate under the law. I have high expectations that through joint cooperation, we can and will achieve exemplary ADA compliance and meet the spirit and intent of the Act.

This ADA Title I Handbook is intended to provide state agencies and other employers in Alaska with a reference guide to assist them in meeting the employment provisions of the Americans with Disabilities Act of 1990. It is not however an authoritative legal reference. Our goal is simply to enhance equal employment opportunities for all Alaskans by educating employers about the ADA.

If you have questions, please contact the State ADA Coordinator's Office at 465-2814.

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Public Education — A Beginning

In November and December 1991, and in January 1992, The Gallup Organization surveyed 400 firms with 25 or more employees to measure business awareness, attitudes, and reactions to the Americans with Disabilities Act (ADA). Corporate human resource or equal employment opportunity directors were interviewed by telephone. The telephone survey was the first of a two-part baseline study conducted for the Electronics Industries Foundation in Washington, D.C. The second part, which will be released soon, will measure the awareness, attitudes and reactions of people with disabilities to the Act.

Here are six findings from the first poll:

- Approximately one-half of the respondents believe it is more difficult to fire a person with a disability than to fire a person without a disability in a similar job.
- Only 14% claimed to be "very familiar" with the Americans with Disabilities Act (ADA); 42% said they were "unfamiliar" with the Act or familiar in name only. Yet when respondents learned about the major provisions of the ADA, 86% said they either "favored" or "strongly favored" the Act. Only seven percent of employer representatives said they opposed it.
- Only 6% to 15% were "very familiar" with government agencies, trade associations, and other organizations that assist people with disabilities.
- Approximately one-third of the respondents said their company had provided or received ADA training.
- One-third said that their company had removed architectural barriers or modified the work site to improve accessibility. Yet fewer than one-sixth were aware of federal tax breaks available to small businesses for making these changes. And only 26% said their company had sought technical assistance.
- More than one-half think that the ADA will raise training costs, encourage lawsuits, and increased insurance costs with public education and increased awareness about the ADA employers in the beginning to recognize the positive impact that the ADA will have on todays workforce.

Public Opinion and the ADA

Harris Poll

A recent Harris Poll (1991) reports that Americans think putting people with disabilities to work is "good for the economy and good for the country."The Harris Poll —the first nationwide survey of public attitudes about people with disabilities—revealed that:

- Ninety-two percent of the public polled believe that society will benefit economically if people with disabilities are assimilated into the workforce.
- Half of those surveyed know someone with disability. More than half have a friend with a disability. One quarter have someone in their family who has a disability, and one- fifth have a co-worker with a disability.
- Eighty-two percent see the employment of people with disabilities as a "boost" to the nation—not as a "threat" to others' jobs.
- Nine out of ten people polled think that society will benefit by employing people with disabilities who are now receiving welfare payments or are dependent on social security insurance.
- Ninety-three percent support making public transportation accessible to people with disabilities.
- Only one in ten of those surveyed feel uncomfortable around people in wheelchairs or people who are blind or deaf.
- However, 27% of people surveyed feel uncomfortable around people who are mentally ill. More than 90% of the public say they admire people with disabilities, yet almost half are afraid that what happened to a person with a disability might happen to them.
- Thirty percent would be concerned if a co-worker had a serious disability, and almost one-half would be uncomfortable if their child dated a person with a disability. But fewer than one-fifth would be ill at ease if a person with a disability sat next to them on a bus or served them in a restaurant.

What areas are covered by the ADA ?

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate against individuals with disabilities in:

- employment (Title I);
- state and local government services and accommodations and public transportation (Title II);
- public accommodations / services operated by private entities (Title III);
- transportation provided by private entities (Title III); and telecommunications (Title IV).

This booklet provides an explanation of Title I of the ADA which prohibits job discrimination.

How Costly is Employing People with Disabilities?

The President's Committee on Employment of People with Disabilities has estimated that the direct and indirect cost to the nation of not providing employment opportunities and fully utilizing the skills and abilities of people with disabilities amounts to nearly 200 billion dollars per year.

Many employers mistakenly believe that it is simply too costly (providing job accommodations) in order to employ people with disabilities. To clarify the facts, the President's Committee's Job Accommodation Network has presented the following information regarding accommodation in its data base:

- 30% of accommodation cost $0
- 50% cost less than $50.00
- 70% cost less than $500.00
- 90% cost less than $1,000.00

What is Considered A Disability Under the ADA?

The Americans with Disabilities Act defines a person with a disability as an individual who has:

(1) **A physical or mental impairment that substantially limits one or more major life activities;**

(2) **a record of a substantially limiting impairment; or**

(3) **been regarded as having a substantially limiting impairment.**

Disabilities would NOT include temporary non-chronic impairments, such as a broken arm or a sprained ankle, unless these conditions develop into long term chronic conditions which affect major life activities.

Disabilities would include prolonged or permanent impairments which do limit major life activities, such as:

- hearing
- seeing
- speaking
- breathing
- performing manual tasks
- walking
- caring for oneself
- learning
- working

Which Employers are Covered by the ADA?

Job discrimination against people with disabilities is illegal if practiced by:

- private employers:
  (employers with 25 or more employees are covered after July 26, 1992)
  (employers with 15 or more employees are covered after July 26, 1994)
- state and local governments:
- employment agencies, and
- labor organizations:
  (including labor-management committees).

What Employment Practices are Covered by the ADA?

The ADA makes it unlawful to discriminate against people with disabilities in all employment practices including:

- recruitment
- pay
- hiring
- firing
- promotion
- job assignments
- training
- leave
- lay-off
- benefits
- all other employment related activities.

Retaliation: The ADA prohibits an employer from retaliating against an applicant or employee for asserting his/her rights under the ADA.

Discrimination because of Affiliation: The Act makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

(For example, to discriminate against a job applicant who has a child with a severe disability because the employer anticipates that the person may use sizable amounts of sick leave is unlawful.)

Employing a "Qualified Individual with a Disability"

An individual with a disability must be qualified to perform the ***essential functions*** of the job with or without ***reasonable accommodations***, in order to be protected by the ADA. This means that the applicant or employee must:

- be "otherwise qualified" in order to satisfy the employers job requirements for education background, employment experience, skills, licenses, and any other qualification standards that are job-related; and

- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with an employers right to hire the best qualified applicant. The ADA simply prohibits discriminating against a qualified applicant or employee because of his/her disability.

What are "Essential" Duties?

"Essential" duties are tasks or functions which the employee must do — either with or without "reasonable accommodation". This does **not** mean that "non-essential" duties cannot be assigned to the employee — only that "non-essential" duties must be removed or modified if an employee's disability prevents their accomplishment.

If a disagreement occurs on what duties are "essential" or "non-essential," the employer's judgement will typically be accepted, particularly when "essential/non-essential" duties have been identified in advance of employment actions such as advertising, hiring, promoting, or firing.

The following are questions which should be asked when employers are deciding if a duty is essential:

(1) Is this a "core" duty? *(Example: the "core" duties of an Accounting Clerk would include accounts receivable and payable, payroll, inventory, etc. — typically not lifting heavy objects.)*

(2) Is a specialized skill needed to perform this duty? *(Example: a Computer Operator's specialized skill is running computer programs — helping to stuff bills into envelopes once a week would not require specialized skill.)*

(3) Is the time spent doing this duty significant? *(Example: a Clerk who drives a couple times a month to pick up records spends an insignificant time as a Driver.)*

(4) Will there be a significant impact if the employee is not required to do the duty? *(Example: Not requiring a Firefighter to have the ability to carry 150 pounds down a set of stairs would severely lessen life-saving capabilities.)*

(5) Are other employees available to perform these duties? *(Example: in a two person office, a Social Worker might act as Receptionist when the other person is gone.)*

What is "Reasonable Accommodation"?

It is a violation of the ADA to fail to provide a "reasonable accommodation" to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship.

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to:

- **participate in the job application process;**
  (This may require the employer to provide job information or tests in accessible formats, i.e. Braille, voice recorded, large print, type-written, etc.)
- **perform the essential duties of a job; or**
- **enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.**

For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules, flextime, job sharing,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

If you would like help in identifying tax benefits that can assist employers in providing reasonable accommodations, see Appendix B of this Handbook.

What is the Best Way to Identify a Reasonable Accommodation?

The best way to identify a reasonable accommodation is to consult with the applicant or employee about how he or she can perform the essential duties of the job.

The individual may suggest a reasonable accommodation based upon their own life or work experience. However, when the appropriate accommodation is not readily apparent, you must make a reasonable effort to identify one.

Remember, focus on evaluating the employee's or applicant's ability to do the job — not on the nature of the disability itself. Keep your inquiries to job related points — don't make assumptions of what a person with a disability can or cannot do.

When there are several possible accommodations, and even if the individual with a disability may have a preference, the choice remains with the employer.

If you would like help in identifying an appropriate accommodation, see the Resources section in Appendix C of this Handbook.

When Does Accommodation Become an Undue Hardship?

Employers are not required to provide accommodation if doing so would cause an *undue hardship*. Undue hardship means that an accommodation is unreasonable because it is:

- unduly costly *when based partly on the employer's size and resources (In the case of governments, restricted budgets must be accompanied by considerable evidence of negative consequences to be sufficient to justify the denial of a reasonable accommodation.),*
- extensive,
- substantial or disruptive, or
- would fundamentally alter the nature or operation of the organization.

If a particular accommodation would be an undue hardship, employers must try to identify another accommodation that will not pose such a hardship.

If cost causes the undue hardship, employers must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency or an agency which provides services for individuals who are blind.

The availability of tax deductions or other tax credits to eligible small businesses (see Appendix B) will impact the NET cost of accommodations. Employers must also give the applicant or employee with a disability the opportunity to share in the cost of the accommodation.

Interviewing & Pre-Employment Questions

1. Types of questions which should **not** be asked:

- Are you disabled?
- How long have you had a disability?
- What is the extent or severity of any disability you may have?
- Have you ever been treated for any of the following diseases?
  (epilepsy, muscular dystrophy, multiple sclerosis, cancer, AIDS, heart disease, diabetes, mental illness, high blood pressure, etc.)
- Please list any diseases for which you have been treated within the last two years.
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Are you on any regular medication or prescribed drugs?
- Have you ever been treated for any addiction?
- Have you ever filed for or collected workers' compensation?
- How often will you require leave from your job due to treatment for a disability?
- Is there any health-related reason you might not be able to perform the job for which you are applying?
  (Note that this inquiry is directed to the essential functions of a position).

2. Types of questions which **can** be asked:

- Have you done this type of work before?
- If so, please give specific examples.
- If not, do you have the ability to do this type of work?
- Are there any reasons why you would not be able to perform this (or these) essential job function(s)?
- Could you perform this essential job function with an accommodation?

(Focus your interview questions on the essential job functions of the position. You may only request a demonstration of an applicants' performance of the job function if you routinely request the same of all applicants.)

3. If the applicant raises the subject of a disability, emphasize that the employer is only interested in the applicant's ability to perform the essential functions of the job. Disabilities are irrelevant except for purposes of discussing the forms of accommodation which might enable the applicant to do the job.

Decisions to reject an applicant with a disability must be job-related and connected to business necessity. The employer must be able to show that the disability prevented the performance of essential job functions, and that no accommodation was possible without creating an undue hardship.

What is the Role of the Alaska Division of Vocational Rehabilitation?

The Alaska Division of Vocational Rehabilitation assists people with disabilities to become "otherwise qualified" for employment.

Otherwise qualified individuals with disabilities are people who meet the employers qualification standards by having the necessary education, skills, experience, and licenses, and who, with or without a reasonable accommodation, can perform the essential job functions.

The State Vocational Rehabilitation agency can:

- help eligible consumers with disabilities obtain the necessary education, training, and skills to qualify for employment.
- provide information to employers and eligible employees to help them acquire adaptive equipment or assistive devices that are reasonable employment accommodations.
- provide technical advice on the nature of disabilities and reasonable accommodations.

May I Require Medical Exams or Ask Questions About an Individual's Disability?

It is unlawful:

- to ask an applicant whether he/she is disabled or about the nature or severity of a disability, or
- to require the applicant to take a medical examination *before* making a job offer.

You may ask an applicant questions about their ability to perform job-related duties, as long as the questions are not phrased in terms of a disability. You may also ask an applicant to describe or to demonstrate how, with or without reasonable accommodation, he or she will perform the job-related duties.

After a job offer is made and prior to the employee's starting date, you may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination. You may condition the job offer on the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, you must be able to show that the reasons for exclusion are job-related and necessary for the conduct of your business. You also must be able to show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job duties.
You may conduct voluntary medical examinations that are related to an employee health program (*a wellness program, for example).*

The results of medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. You may provide medical information required by state workers' compensation laws to agencies that administer such laws.

Do Individuals Who Use Drugs Illegally Have Rights Under the Employment Provisions of the ADA?

No. Individuals currently engaging in the illegal use of drugs are not individuals with disabilities for the purposes of the ADA.

Employers may hold alcoholics and persons who engage in the illegal use of drugs to the same performance and conduct standards to which it holds all of its other employees.

The employer may not discriminate on the basis of illegal use of drugs against an individual who is not currently engaging in illegal drug use, who has successfully completed a supervised drug rehabilitation program, or who has otherwise been rehabilitated successfully. Illegal drug use is not protected by the ADA. *(The State of Alaska also has a Drug Free Workplace Policy.)*

Who Enforces the Employment Provisions of the ADA?

The employment discrimination portion of the ADA will be enforced by:

- Equal Employment Opportunity Commission (EEOC)
- Department of Justice (DOJ)
- Alaska Commission on Human Rights (ACHR)

> *(Additionally, the U.S. Department of Labor remains the enforcement agency for the Rehabilitation Act of 1973.)*

These agencies will respond to individual requests for information and assistance. Employers who seek information or assistance will not be subject to enforcement action because of such inquiries.

The enforcement agencies recognize that differences and disputes about the ADA may arise between employers and people with disabilities as a result of misunderstandings. Such disputes frequently can be resolved more effectively through informal negotiation or mediation procedures, rather than through the formal enforcement process. Accordingly, efforts should be made to settle such differences through alternative dispute resolution, providing that such efforts do not deprive any individual of legal rights provided by statute.

A public entity that employs 50 or more persons must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title I of the ADA, including an investigation of any complaint communicated to it alleging its non-compliance with Title I. The public entity must make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this regulatory requirement.

Under Administrative Order No. 129, signed by Governor Hickel in 1992, Commissioners of the Alaska executive branch agencies appointed ADA Coordinators to manage the ADA compliance activities of their respective departments.

The Department Coordinators are responsible for ensuring that each division which employs 50 or more persons has a division ADA Coordinator. Both Department and Division ADA Coordinators are responsible for responding to and investigating all ADA complaints in their agency. The names, office location and both voice telephone and text telephone (TTY or TDD) number of the Department and Division ADA Coordinators must be posted at prominent locations in every State of Alaska facility.

Complaint Procedure:

The State of Alaska is currently using an informal complaint procedure which calls for the prompt and equitable resolution of ADA employment complaints. This does not, however, prevent a complainant from filing a formal complaint with EEOC or the Alaska Commission on Human Rights. All complainants must be advised of this right, even if an attempt is being made to resolve their complaint informally.
Individuals have 180 days from the date of an alleged act of discrimination to file charges under the ADA with the Federal Enforcement Agency. *(Investigation and conciliation procedures will be similar to discrimination charges brought under Title VII of the Civil Rights Act of 1964.)*

The resolution of complaints may include remedies such as hiring, promotion, reinstatement, reasonable accommodation, back pay, and attorney's fees. *(Other laws, such as the Civil Rights Act of 1991, include possible punitive and compensatory damages, particularly in cases of bad faith.)*

APPENDIX A
ADA TITLE I EMPLOYMENT REGULATIONS

Appendix A

PART 1630 — Regulations to Implement The Equal Employment Opportunity Provisions of The Americans with Disabilities Act
Section 1630.2(n) Essential Functions

The determination of which functions are essential may be critical to the determination of whether or not the individual with a disability is qualified. The essential functions are those functions that the individual who holds the position must be able to perform unaided or with the assistance of a reasonable accommodation.

The inquiry into whether a particular function is essential initially focuses on whether the employer actually requires employees in the position to perform the functions that the employer asserts are essential. For example, an employer may state that typing is an essential function of a position. If, in fact, the employer has never required any employee in that particular position to type, this will be evidence that typing is not actually an essential function of the position.

If the individual who holds the position is actually required to perform the function the employer asserts is an essential function, the inquiry will then center around whether removing the function would fundamentally alter that position. This determination of whether or not a particular function is essential will generally include one or more of the following factors listed in part 1630.

The first factor is whether the position exists to perform a particular function. For example, an individual may be hired to proofread documents. The ability to proofread the documents would then be an essential function, since this is the only reason the position exists.

The second factor in determining whether a function is essential is the number of other employees available to perform that job function or among whom the performance of that job function can be distributed.

This may be a factor either because the total number of available employees is low, or because of the fluctuating demands of the business operation. For example, if an employer has a relatively small number of available employees for the volume of work to be performed, it may be necessary that each employee perform a multitude of different functions. Therefore, the performance of those functions by each employee becomes more critical and the options for reorganizing the work become more limited. In such a situation, functions that might not be essential if there were a larger staff may become essential because the staff size is small compared to the volume of work that has to be done. See Treadwell v. Alexander, 707 F.2d 473 (11th Cir. 1983)

A similar situation might occur in a larger work force if the work flow follows a cycle of heavy demand for labor intensive work followed by low demand periods. This type of workflow might also make the performance of each function during the peak periods more critical and might limit the employer's flexibility in reorganizing operating procedures. See Dexler v. Tisch, 660 F.Supp 1418 (D.Conn. 1987).

The third factor is the degree of expertise or skill required to perform the function. In certain professions and highly skilled positions the employee is hired for his or her expertise or ability to perform the particular function. In such a situation, the performance of that specialized task would be an essential function.

Whether a particular function is essential is a factual determination that must be made on a case by case basis. In determining whether or not a particular function is essential, all relevant evidence should be considered. Part 1630 lists various types of evidence, such as an established job description, that should be considered in determining whether a particular function is essential. Since the list is not exhaustive, other relevant evidence may also be presented. Greater weight will not be granted to the types of evidence included on the list than to be the types of evidence not listed.

Although part 1630 does not require employers to develop or maintain job descriptions, written job descriptions prepared before advertising or interviewing applicants for the job, as well as the employer's judgement as to what functions are essential are among the relevant evidence to be considered in determining whether a particular function is essential. The terms of a collective bargaining agreement are also relevant to the determination of whether a particular function is essential. See H.R. Conf. Rep. NO. 101-596, 101st Cong., 2d Sess. 58 (1990) [hereinafter Conference Report]; House Judiciary Report at 33-34. See also Hall v. U.S. Postal Service, 857 F.2d 1073 (6th Cir. 1988).

The time spent performing the particular function may also be an indicator of whether that function is essential. For example, if an employees spends the vast majority of his or her time working at a cash register, this would be evidence that operating the cash register is an essential function. The consequences of failing to require the employee to perform the function may be another indicator of whether a particular function is essential. For example, although a firefighter may not regularly have to carry an unconscious adult out of a burning building, the consequence of failing to require the firefighter to be able to perform this function would be serious.

It is important to note that the inquiry into essential functions is not intended to second guess an employer's business judgement with regard to production standards, whether qualitative or quantitative, nor to require employers to lower such standards. (See 1630.10 Qualification Standards, Tests and Other Selection Criteria). If an employer requires its typists to be able to accurately type 75 words per minute, it will not be called upon to explain why an inaccurate work product, or a typing speed of 65 words per minute, would not be adequate. Similarly, if a hotel requires its service workers to thoroughly clean 16 rooms per day, it will not have to explain why it requires thorough cleaning, or why it chose a 16 room rather than a 10 room requirement.

However, if an employer does require accurate 75 words per minute typing or the thorough cleaning of 16 rooms, it will have to show that it actually imposes such requirements on its employees in fact, and not simply on paper. It should also be noted that, if it is alleged that the employer intentionally selected the particular level of production to exclude individuals with disabilities, the employer may have to offer a legitimate, nondiscriminatory reason for its selection.

Section 1630.2(o) Reasonable Accommodation

An individual is considered a "qualified individual with a disability" if the individual can perform the essential function of the position held or desired with or without reasonable accommodation. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are two categories of reasonable accommodation. These are (1) accommodations that are required to ensure equal opportunity in the application process; (2) accommodations that enable the employer's employees with disabilities to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities. It should be noted that nothing in this part prohibits employers or other covered entities from providing accommodations beyond those required by this part.

Part 1630 lists the specific examples, in Title I of the ADA of the most common types of accommodation that an employer or other covered entity may be required to provide. There are any number of other specific accommodations that may be appropriate for particular situations but are not specifically mentioned in this listing. This listing is not intended to be exhaustive of accommodation possibilities. For example, other accommodations could include permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment, making employer provided transportation accessible, and providing reserved parking spaces.

Providing personal assistants, such as a page turner for an employee with no hands or a travel attendant to act as a sighted guide to assist a blind employee on occasional business trips, may also be a reasonable accommodation. Senate Report at 31; House Labor Report at 62; House Judiciary Report at 39.

It may also be a reasonable accommodation to permit an individual with a disability the opportunity to provide and utilize equipment, aids or services that an employer is not required to provide as a reasonable accommodation. For example, it would be a reasonable accommodation for an employer to permit an individual who is blind to use a guide for the employee.

The accommodations included on the list of reasonable accommodations are generally self explanatory. However, there are a few that require further explanation. One of these is the accommodation of making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities. This accommodation includes both those areas that must be accessible for the employee to perform essential job functions, as well as nonwork areas used by the employer's employees for other purposes. For example, accessible break rooms, lunch rooms, training rooms, rest rooms, etc., may be required as reasonable accommodations.

Another of the potential accommodations listed is "job restructuring." An employer or other covered entity may restructure a job by reallocating or redistributing nonessential, marginal job functions. For example, an employer may have two jobs, each of which entails the performance of a number of marginal functions. The employer hires a qualified individual with a disability who is able to perform some of the marginal functions of each job but not all of the marginal functions of either job. As an accommodation, the employer may redistribute the marginal functions so that all of the marginal functions that the qualified individual with a disability can perform are made a part of the position to be filled by the qualified individual with a disability. The remaining marginal functions that the individual with a disability cannot perform would then be transferred to the other position. See Senate Report at 31; House Labor Report at 62.

An employer or other covered entity is not required to reallocate essential functions. The essential functions are by definition those that the individual who holds the job would have to perform, with or without reasonable accommodation, in order to be considered qualified for the position. For example, suppose a security guard position requires the individual who holds the job to inspect identification cards. An employer would not have to provide an individual who is legally blind with an assistant to look at the identification cards for the legally blind employee. In this situation the assistant would be performing the job for the individual with a disability rather than assisting the individual to perform the job. See Coleman v. Darden, 595 F.2d 533 (10th Cir 1979).

An employer or other covered entity may also restructure a job by altering when and/or how an essential function is performed. For example, an essential function customarily performed in the early morning hours may be rescheduled until later in the day as a reasonable accommodation to a disability that precludes performance of the function at the customary hour. Likewise, as a reasonable accommodation, an employee with a disability that inhibits the ability to write, may be permitted to computerize records that were customarily maintained manually.

Reassignment to a vacant position is also listed as a potential reasonable accommodation. In general, reassignment should be considered only when accommodation within the individual's current position would post an undue hardship. Reassignment is not available to applicants. An applicant for a position must be qualified for, and be able to perform the essential functions of, the position sought with or without reasonable accommodation.

Reassignment may not be used to limit, segregate, otherwise discriminate against employees with disabilities by forcing reassignment to undesirable positions or to designated offices or facilities. Employers should reassign the individual to an equivalent position, in terms of pay, status, etc., if the individual is qualified, and if the position is vacant within a reasonable amount of time.

A "reasonable amount of time" should be determined in light of the totality of the circumstances. As an example, suppose there is no vacant position available at the time that an individual with a disability requests reassignment as a reasonable accommodation. The employer, however, knows that an equivalent position for which the individual is qualified, will become vacant next week. Under these circumstances, the employer should reassign the individual to the position when it becomes available.

An employer may reassign an individual to a lower graded position if there are no accommodations that would enable the employee to remain in the current position and there are no vacant equivalent positions for which the individual is qualified with or without reasonable accommodation. An employer, however, is not required to maintain the reassigned individual with a disability at the salary of the higher graded position if it does not so maintain reassigned employees who are not disabled. It should also be noted that an employer is not required to promote an individual with a disability as an accommodation. See Senate Report at 31-32; House Labor Report at 63.

The determination of which accommodation is appropriate in a particular situation involves a process in which the employer and employee identify the precise limitations imposed by the disability and explore potential accommodations that would overcome those limitations. This process is discussed more fully in 1630.9 Not Making Reasonable Accommodation.

Section 1630.2(p) Undue Hardship

An employer or other covered entity is not required to provide an accommodation that will impose an undue hardship on the operation of the employer's or other covered entity's business. The term "undue hardship" means significant difficulty or expense in, or resulting from, the provision of the accommodation. The "undue hardship" provision takes into account the financial realities of the particular employer or other covered entity. However, the concept of undue hardship is not limited to financial difficulty. "Undue hardship" refers to any accommodation that would be unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature of operations of the business. See Senate Report at 35; House Labor Report at 67.

For example, suppose an individual with a disabling visual impairment that makes it extremely difficult to see in dim lighting applies for a position as a waiter in a nightclub and requests that the club be brightly lit as a reasonable accommodation. Although the individual may be able to perform the job in bright lighting, the nightclub will probably be able to demonstrate that the particular accommodation, though not expensive, would impose an undue hardship if the bright lighting would destroy the ambience of the nightclub and/or make it difficult for the customers to see the stage below. The fact that the particular accommodation poses an undue hardship, however, only means that the employer is not required to provide that accommodation. If there is another accommodation that will not create an undue hardship, the employer would be required to provide an alternative accommodation.

An employer's claim that the cost of a particular accommodation will impose an undue hardship will be analyzed in light of the factors outlined in part 1630. In part, this analysis requires a determination of whose financial resources should be considered in deciding whether the accommodation is unduly costly. In some cases the financial resources of the employer or other covered entity in its entirety should be considered in determining whether the cost of an accommodation poses an undue hardship. In other cases, consideration of the financial resources of the employer or other covered entity as a whole may be inappropriate because it may not give an accurate picture of the financial resources available to the particular facility that will actually be required to provide the provide accommodation. See House Labor Report at 68-69; House Judiciary Report at 40-41; see also Conference Report at 56-57.

If the employer or other covered entity asserts that only the financial resources of the facility where the individual will be employed should be considered, part 1630 requires a factual determination of the relationship between the employer or other covered entity and the facility that will provide the accommodation

As an example, suppose that an independently owned fast food franchise that receives no money from the franchisor refuses to hire an individual with a hearing impairment because it asserts that it would be an undue hardship to provide an interpreter to enable the individual to participate monthly in staff meetings. Since the financial relationship between the franchisor and the franchisee is limited to payment of an annual franchise fee, only the financial resources of the franchisee would be considered in determining whether or not providing the accommodation would be an undue hardship. See House Labor Report at 68; House Judiciary Report at 40.

If the employer or other covered entity can show that the cost of the accommodation would impose an undue hardship, it would still be required to provide the accommodation if the funding is available from another source, e.g., state vocational rehabilitation agency, or if federal, state or local tax deductions or tax credits are available to offset the cost of the accommodation. If the employer or other covered entity receives, or is eligible to receive monies from an external source that would pay the entire cost of the accommodation, it cannot claim cost as an undue hardship. In the absence of cash funding, the individual with a disability requesting the accommodation should be given the option of providing the accommodation or of paying that portion of the cost which constitutes the undue hardship on the business operation. To the extent that such monies pay or would pay for only part of the cost of the accommodation, only that portion of the cost of the accommodation that could not be recovered - the final net cost to the entity - may be considered in determining undue hardship. (See 1630.9 Not Making Reasonable Accommodation). See Senate Report at 36; House Labor Report at 69.

Section 1630.9 Not Making Reasonable Accommodation

The obligation to make reasonable accommodation is a form of nondiscrimination. It applies to all employment decisions and to the

job application process. The obligation does not extend to the provision of adjustments or modifications that are primarily for the personal benefit of the individual with a disability. Thus, if an adjustment or modification is job-related, e.g., specifically assists the individual in performing the duties of a particular job, it will be considered a type of reasonable accommodation. On the other hand, if an adjustment or modification assists the individual throughout his or her daily activities, on and off the job, it will be considered a personal item that the employer is not required to provide. Accordingly, an employer would generally not be required to provide an employee with a disability with a prosthetic limb, wheelchair, or eyeglasses. Nor would an employer have to provide as an accommodation any amenity or convenience that is not job-related, such as a private hot plate, hot pot or refrigerator that is not provided to employees without disabilities. See Senate Report at 31; House Labor Report at 62.

It should be noted, however, that the provision of such items may be required as a reasonable accommodation where such items are specifically designed or required to meet job-related rather than personal needs. An employer, for example, may have to provide an individual with a disabling visual impairment with eyeglasses specifically designed to enable the individual to use the office computer monitors, but that are not otherwise needed by the individual outside of the office.

The term "supported employment," which has been applied to a wide variety of programs to assist individuals with severe disabilities in both competitive and non-competitive employment, is not synonymous with reasonable accommodation. Examples of supported employment include modified training materials, restructuring essential functions to enable an individual to perform a job, or hiring an outside professional ("job coach") to assist in job training. Whether a particular form of assistance would be required as a reasonable accommodation must be determined on an individualized, case by case basis, without regard to whether that assistance is refered to as "supported employment."

For example, an employer, under certain circumstances, may be required to provide modified training materials or a temporary "job coach" to assist in the training of a qualified individual with a disability as a reasonable accommodation. However, an employer would not be required to restructure the essential functions of a position to fit the skills of an individual with a disability who is not otherwise qualified to perform the position, as is done in certain supported employment programs. See 34 CFR part 363. It should be noted that it would not be a violation of this part for an employer to provide any of these personal modifications or adjustments, or to engage in supported employment or similar rehabilitative programs.

The obligation to make reasonable accommodation applies to all services and programs provided in connection with employment, and to all non-work facilities provided or maintained by an employer for use by its employees. Accordingly, the obligation to accommodate is applicable to employer sponsored placement or counseling service, and to employer provided cafeterias, lounges, gymnasiums, auditoriums, transportation and the like.

The reasonable accommodation requirement is best understood as a means by which barriers to the equal employment opportunity of an individual with a disability are removed or alleviated. These barriers may, for example, be physical or structural obstacles that inhibit or prevent the access of an individual with a disability to job sites, facilities or equipment. Or they may be rigid work schedules that permit no flexibility as to when work is performed or when breaks may be taken, or inflexible job procedures that unduly limit the modes of communication that are used on the job, or the way in which particular tasks are accomplished.

The term otherwise qualified is intended to make clear that the obligation to make reasonable accommodation is owed only to an individual with a disability who is qualified within the meaning of

1630.2(m) in that he or she satisfies all the skill, experience, education, and other job-related selection criteria. An individual with a disability is "otherwise qualified," in other words, if he or she is qualified for a job, except that, because of the disability, he or she needs a reasonable accommodation to be able to perform the job's essential functions.

For example, if a law firm requires that all incoming lawyers have graduated from an accredited law school and have passed the bar examination, the law firm need not provide an accommodation to an individual with a visual impairment who has not met this selection criteria. That individual is not entitled to a reasonable discretion to accommodation because that individual is not "otherwise qualified" for the position.

On the other hand, if the individual has graduated from an accredited law school and passed the bar examination, the individual would be "otherwise qualified." The law firm would thus be required to provide a reasonable accommodation, such as a machine that magnifies print, to enable the individual to perform the essential functions of the attorney position, unless the necessary accommodation would impose an undue hardship on the law firm. See Senate Report at 33-34; House Labor Report at 64-65.

The reasonable accommodation that is required by this part should provide the qualified individual with a disability with an equal employment opportunity. Equal employment opportunity means an opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges of employment as are available to the average similarly situated employe without a being accommodated. Accordingly, an employer would not have to provide an employee disabled by a back impairment with a state-of-the-art mechanical lifting device that enabled the employee to perform the essential functions of the job. See Senate Report at 35; House Labor Report at 66; see also Carter v. Bennett, 840F.2d63(DC Cir. 1988).

Employers are obligated to make reasonable accommodation only to the physical or mental limitations resulting from the disability of a qualified individual with a disability that is known to the employer. Thus, an employer would not be expected to accommodate disabilities of which it is unaware. If an employee with a known disability is having difficulty performing his or her job, an employer may inquire whether the employee is in need of a reasonable accommodation. In general, however, it is the responsibility of the individual with a disability to inform the employer that an accommodation is needed. When the need for an accommodation is not obvious, an employer, before providing a reasonable accommodation, may require that the individual with a disability provide documentation of the need for accommodation. See Senate Report at 34; House Labor Report at 65.

Process of Determining the Appropriate Reasonable Accommodation.

Once a qualified individual with a disability has requested provision of a reasonable accommodation, the employer must make a reasonable effort to determine the appropriate accommodation. The appropriate reasonable accommodation is best determined through a flexible, interactive process that involves both the employer and the qualified individual with a disability. Although this process is described below in terms of accommodations that enable the individual with a disability to perform the essential functions of the position held or desired, it is equally applicable to accommodations involving the job application process, and to accommodations that enable the individual with a disability to enjoy equal benefits and privileges of employment. See Senate Report at 34-35; House Labor Report at 65-67.

When a qualified individual with a disability has requested a reasonable accommodation to assist in the performance of a job, the employer, using a problem solving approach, should:

(1) Analyze the particular job involved and determine its purpose and essential functions;

2) Consult with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;

(3) In consultation with the individual to be accommodated, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position; and

(4) Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the employee and the employer.

In most instances, the appropriate reasonable accommodation may be so obvious to either or both the employer and the qualified individual with a disability that it may not be necessary to proceed in this step-by-step fashion. For example, if an employee who uses a wheelchair requests that his or her desk be placed on blocks to elevate the desktop above the arms of the wheelchair and the employer complies, an appropriate accommodation has been requested, identified, and provided without either the employee or employer being aware of having engaged in any sort of "reasonable accommodation."

However, in some instances neither the individual requesting the accommodation nor the employer can readily identify the appropriate accommodation. For example, the individual needing the accommodation may not know enough about the equipment used by the employer or the exact nature of the work site to suggest an appropriate accommodation. Likewise, the employer may not know enough about the individual's disability or the limitations that the

disability would impose on the performance of the job to suggest an appropriate accommodation. Under such circumstances, it may be necessary for the employer to initiate a more defined problem solving process, such as the step-by-step process described above, as part of its reasonable effort to identify the appropriate reasonable accommodation.

This process requires the individual assessment of both the particular job at issue, and the specific physical or mental limitations of the particular individual in need of reasonable accommodation. With regard to assessment of the job, "individual assessment" means analyzing the actual job duties and determining the true purpose or object of the job. Such an assessment is necessary to ascertain which job functions are the essential functions that an accommodation must enable an individual with a disability to perform.
After assessing the relevant job, the employer, in consultation with the individual requesting the accommodation, should make an assessment of the specific limitations imposed by the disability on the individual's performance of the job's essential functions. This assessment will make it possible to ascertain the precise barrier to the employment opportunity which, in turn, will make it possible to determine the accommodations(s) that could alleviate or remove that barrier.

If consultation with the individual on the accommodation still does not reveal potential appropriate accommodations, then the employer, as part of this process, may find that technical assistance is helpful in determining how to accommodate the particular individual in the specific situation. Such assistance could be sought from the Commission, from state or local rehabilitation agencies, or from disability constituent organizations. It should be noted, however, that, as provided in 1630.9(c) of this part, the failure to obtain or receive technical assistance from the federal agencies that administer the ADA will not excuse the employer from its reasonable accommodations obligation.

Once potential accommodations have been identified, the employer should assess the effectiveness of each potential accommodation in assisting the individual in need of the accommodation in the performance of the essential functions of the position. If more than one of these accommodations will enable the individual to perform the essential functions or if the individual would prefer to provide his or her own accommodation, the preference of the individual with a disability should be given primary consideration. However, the employer providing the accommodation has the ultimate choice between effective accommodations, and may choose the less expensive accommodation or the accommodation that is easiest to provide. It should also be noted that the individual's willingness to provide his or her own accommodation does not relieve the employer of the duty to provide the accommodation should the individual for any reason be unable or unwilling to continue to provide the accommodation.

Reasonable Accommodation Process Illustrated

The following example illustrates the informal reasonable accommodation process. Suppose a Sack Handler position requires that the employee pick up fifty pound sacks and carry them from the company loading dock to the storage room, and that a sack handler who is disabled by a back impairment requests a reasonable accommodation. Upon receiving the request, the employer analyzes the Sack Handler job and determines that the essential function and purpose of the job is not the requirement that the job holder physically lift and carry the sacks, but the requirement that the job holder cause the sack to move from the loading dock to the storage room.

The employer then meets with the sack handler to ascertain precisely the barrier posed by the individual's specific disability to the performance of the job's essential function of relocating the sacks. At this meeting the employer learns that the individual can, in fact, lift the sacks to the waist level, but is prevented by his or her disability from carrying the sacks from the loading dock to the

storage room. The employer and the individual agree that any of a number of potential accommodations, such as the provision of a dolly, hand truck, or cart, could enable the individual to transport the sacks that he or she has lifted.

Upon further consideration, however, it is determined that the provision of a cart is not a feasible effective option. No carts are currently available at the company, and those that can be purchase by the company are the wrong shape to hold many of the bulky and irregularly shaped sacks that must be moved. Both the dolly and the hand truck, on the other hand, appear to be effective options. Both are readily available to the company, and either will enable the individual to relocate the sacks that he or she has lifted. The sack handler indicates his or her preference for the dolly. In consideration of this expressed preference, and because the employer feels that the dolly will allow the individual to move more sacks at a time and so be more efficient that would a hand truck, the employer ultimately provides the sack handler with a dolly in fulfillment of the obligation to make reasonable accommodation.

Section 1630.9(b)

This provision states that an employer or other covered entity cannot prefer or select a qualified individual without a disability over an equally qualified individual with a disability merely because the individual with a disability will require a reasonable accommodation. In other words, an individual's need for an accommodation cannot enter into the employer's or other covered entity's decision regarding hiring, discharge, promotion, or other similar employment decisions, unless the accommodation would impose an undue hardship on the employer. See House Labor Report at 70.

Section 1630(d)

The purpose of this provision is to clarify that an employer or other covered entity may not compel a qualified individual with a disability to accept an accommodation, where that accommodation is neither requested nor needed by the individual.

However, if a necessary reasonable accommodation is refused, the individual may not be considered qualified. For example, an individual with a visual impairment that restricts his or her field of vision but who is able to read unaided would not be required to accept a reader as an accommodation. However, if the individual were not able to read unaided and reading was an essential function of the job, the individual would not be qualified for the job if he or she refused a reasonable accommodation that would enable him or her to read. See Senate Report at 34; House Labor Report at 65; House Judiciary Report at 71-72.

APPENDIX B

EMPLOYER AND EMPLOYEE TAX INCENTIVES

Appendix B

Employer and Employee Tax Incentives

The Internal Revenue Code has three disability-related provisions of particular interest to private employers as well as to people with disabilities. More specific information about disability related tax provisions can be obtained in Publication 907, "Information for Persons with Handicaps or Disabilities" and Publication 535, "Business Expenses." Both can be obtained through your local IRS office.

Disabled Access Tax Credit
(Title 26, Internal Revenue Code - Section 44)

This tax credit is available to "eligible small businesses" in the amount of 50 percent of "eligible access expenditures" that exceed $250 but do not exceed $10,250 for a taxable year. A business may take the credit each year that it makes an eligible access expenditure.

Eligible small businesses are those businesses with either:

- $1 million or less in gross receipts for the preceding tax year; or

- 30 or fewer full-time employees during the preceding tax year.

Eligible access expenditures are amounts paid or incurred by an eligible small business for the purpose of enabling the business to comply with the applicable requirements of the Americans with Disabilities Act (ADA). These include amounts paid or incurred to:

- remove architectural, communication, physical, or transportation barriers that prevent a business from being accessible to, or usable by, individuals with disabilities;

- provide qualified readers, taped texts, and other effective methods of making materials accessible to people with visual impairments;

- provide qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;

- acquire or modify equipment or devices for individuals with disabilities; or

- provide other similar services, modifications, materials or equipment.

Expenditures that are not necessary to accomplish the above purposes are not eligible. Expenses in connection with new construction are not eligible. "Disability" has the same meaning as it does in the ADA. To be eligible for the tax credits, barrier removals or the provision of services, modifications, materials or equipment must meet technical standards of the ADA Accessibility Guidelines (ADAAG) where applicable. These standards are incorporated in Department of Justice regulations implementing Title III of the ADA (28 CFR Part 36; 56 CFR 35544, July 26, 1991).

Example: Company A purchases equipment to meet its reasonable accommodation obligation under the ADA for $8,000. The amount by which $8,000 exceeds $250 of $7,750. Fifty percent of $7,750 is $3,875. Company A may take a tax credit in the amount of $3,875 on its next tax return.

Example: Company B removes a physical barrier in accordance with its reasonable accommodation obligation under the ADA. The barrier removal meets the ADA Accessibility Guidelines. The company spends $12,000 on this modification. The amount by which $12,000 exceeds $250 but not $10,250 is $10,000. Fifty percent of $10,000 is $5,000. Company B is eligible for a $5,000 tax credit on its next tax return.

Tax Deduction to Remove Architectural and Transportation Barriers to People with Disabilities and Elderly Individuals

(Title 26, Internal Revenue Code, Section 190)

The IRS allows a deduction up to $15,000 per year for "qualified architectural and transportation barrier removal expenses." Expenditures to make a facility or public transportation vehicle owned or leased in connection with a trade or business more accessible to, and usable by, individuals who are "handicapped or elderly" are eligible for the deduction. The definition of a "handicapped individual" is similar to the ADA definition of an "individual with a disability." To be eligible for this deduction, modifications must meet the requirements of standards established by IRS regulations implementing Section 190.

Miscellaneous Deduction (Impairment Related Work Expenses)

Individuals with disabilities who have expenses which are necessary for them to be able to work (impairment related work expenses), are allowed to take a business deduction for these expenses rather than a medical deduction. A person with a disability is one who has:

- A physical or mental disability which functionally limits their being employed, or

- A physical or mental impairment which substantially limits one or more of their major life activities such as performing manual tasks, walking, speaking, hearing, seeing, breathing, learning, or working.

You may deduct impairment related work expenses as business expenses if they are:

- Necessary for you to work satisfactorily.
- For goods and services not required or used (other than incidentally) in your personal activities, and
- Not specifically covered under other income tax laws.

If you are self-employed, deduct the business expenses on the appropriate form (Schedule C, C-EZ, E, or F) used to report your business income and expenses. If you are an employee and you have impairment related work expenses, you will have to complete Form 2106 "Employee Business Expenses" to deduct these expenses. Attach Form 2106 to Form 1040.

Your impairment related work expenses are not subject to the 2% of adjusted gross income limit that applies to other employee business expenses. Enter the amount of your impairment related work expenses that are a miscellaneous deduction from Form 2106 on the appropriate line for this deduction on Schedule A of Form 1040. Reasonable accommodations needed for work are considered impairment related work expenses. You may not, however, claim an expense as both a medical and work expense.

APPENDIX C

ADA RESOURCES

Appendix C

ADA Resources for Technical Assistance on Reasonable Accommodation and Title I

State of Alaska
Division of Vocational Rehabilitation

(For a specific description of services, see page 15.)

Central Office
Goldbelt Place, First Floor
801 W. 10th, Suite 200
Juneau, AK 99801-1894
(907) 465-2814 (Voice/Text Telephone)
(907) 465-2856 (FAX)
1-800-478-2815 (Voice/Text Telephone)

Juneau Office
Airport Office Center, Suite 102
9085 Glacier Highway
Juneau, AK 99801-8033
(907) 789-0330
(907) 789-5976 (Text Telephone)
(907) 789-9335 (FAX)
1-800-478-2387

Anchorage Administration Office
Carlton Trust Building
2221 East Northern Lights Blvd., Suite 125
Anchorage, AK 99508
(907) 272-4377
(907) 272-6564 (Text Telephone)
(907) 272-8630 (FAX)

Anchorage Downtown Office
1016 W. 6th, Suite 102
Anchorage, AK 99501
(907) 274-9100
(907) 277-8504 (FAX)
1-800-478-3387

Anchorage Midtown Office
555 West Northern Lights Blvd., Suite 102
Anchorage, AK 99503-2501
(907) 277-0011
(907) 277-8503 (FAX)
1-800-478-4387

Bragaw Office
3600 Bragaw
Anchorage, AK 99508-4637
(907) 561-4466 (Voice/Text Telephone)
(907) 562-7746 (FAX)
1-800-478-4467

Ketchikan Office
Tongass Commercial Center
2030 Sea Level Drive, Suite 208
Ketchikan, AK 99901
(907) 225-6655
(907) 225-3364 (FAX)
1-800-478-5387

Sitka Office
Harborview Center
700 Katlian, Suite F
Sitka, AK 99835
(907) 747-4788
(907) 747-6452 (FAX)
1-800-478-2726

Fairbanks Office
Teamsters Office Building
751 Old Richardson Hwy, Suite 102
Fairbanks, AK 99701-4587
(907) 451-6261 (Voice/Text Telephone)
(907) 452-7271 (FAX)
1-800-478-2839

Wasilla Office
867 West Commercial Drive
Wasilla, AK 99654-6937
(907) 376-4124
(907) 376-4550 (FAX)

Kodiak Office
305 Center Avenue, Suite 5
P.O. Box 3389
Kodiak, AK 99615-3389
(907) 486-5787
(907) 486-2734 (FAX)

Kotzebue Office
Alaska Technical Center
Fifth Street
P.O. Box 129
Kotzebue, AK 99752
(907) 442-3884
(907) 442-3920 (FAX)
1-800-478-3884

Assistive Technology Office 400 D Street, Suite 230
Anchorage, AK 99501
(907) 274-0138
(907) 274-0517 (Text Telephone)
(907) 274-0516 (FAX)
1-800-770-0138

Division of Mental Health and Developmental Disabilities

Anchorage
Southcentral Regional Office
P.O. Box 240249
Anchorage, AK 99524-0249
Patrick Aloia, Regional Administrator
(907) 561-4247
(907) 563-1012 (FAX)

Fairbanks
Northern Regional Office
1001 Noble Street, Suite 450
Fairbanks, AK 99701
Derrill Johnson, Regional Administrator
(907) 452-1673
(907) 451-7884 (FAX)

Juneau
Central Office P.O. Box 100620
Juneau, AK 99811-0620
Margaret Lowe, Regional Administrator
(907) 465-3370
(907) 465-2668 (FAX)

Alaska Organizations

Sources for Technical Assistance

Anchorage

Access Alaska
3710 Woodland Drive, Suite 900
Anchorage, AK 99517
1-800-478-4488
Duane French, Executive Director

Alaska Specialized Education and Training Services (ASETS)
2330 Nichols
Anchorage, AK 99508
(907) 279-6617
Karen Ward, Director/Administrator

Assistive Technologies of Alaska
400 "D" Street, Suite 230
Anchorage, AK 99501
(907) 274-0138
(907) 274-0517 (Text Telephone)
Joyce Palmer, Program Director

Arc of Anchorage
2211-A Arca Drive
Anchorage, AK 99508
(907) 277-6677
Mary Jane Starling, Executive Director

Interpreter Referral
(907) 277-3323
(907) 277-0735 (Text Telephone)

Alaska Alliance for the Mentally Ill
4050 Lake Otis Parkway, Suite 103
Anchorage, AK 99508
(907) 561-3127
(907) 561-2717 (FAX)
Yvonne Jacobson, Executive Director

Easter Seal Society of Alaska
3719 Arctic Blvd.
Anchorage, AK 99503-0205
(907) 561-7325 (Voice/Text Telephone)
(907) 562-7325 (FAX)

Governor's Committee on the Employment of People with Disabilities
P.O. Box 107018
3301 Eagle Street, Suite 309
Anchorage, AK 99510-7018
(907) 264-2631
Donald Brandon, Chairman

Governor's Council on Disabilities and Special Education
P.O. Box 24249
Anchorage, AK 99524
(907) 272-2500
(907) 564-2329 (Text Telephone)
David Maltman, Director

Hope Cottages, Inc.
540 W. International Airport Road, #100
Anchorage, AK 99518-1110
(907) 561-5335
(907) 564-7445 (Text Telephone)

IAM Cares
1818 W. Northern Lights Blvd., Suite 204
Anchorage, AK 99517
(907) 278-9540
(907) 258-6202 (FAX)
(907) 278-9541 (Text Telephone)
Barbara Doran, Project Director

State Mental Health Board
431 North Franklin St., #101
Juneau, AK 99801
(907) 465-3071
Debra K. Smith, Executive Director

Interpreter Referral Line
731 Gambell, Suite 200
Anchorage, AK 99501
(907) 277-3323
(907) 279-0341 (FAX)

Center for Blind and Deaf Adults
731 Gambell, Suite 200
Anchorage, AK 99501
(907) 276-3456
(907) 279-0341 (FAX)
Dave Thompson, Executive Director

National Federation of the Blind
541 West 15th Avenue
Anchorage, AK 99501
(907) 258-2996
Sharon Buchan, President

Chugiak

Focus Inc.
P.O. Box 671750
Chugiak, AK 99567

Fairbanks

Access Alaska
3550 Airport Way, Suite #3
Fairbanks, AK 99709
(907) 479-7940
(907) 452-4750 (FAX)
Deputy Director
David Jacobson, Office Manager

Adult Learning Programs of Alaska
301 Cushman
Fairbanks, AK 99701
(907) 452-6434 (Voice/Text Telephone)

Communicative Disorder Program
1020 Barnette Street
Fairbanks, AK 99701
(907) 452-6291
Alver Rongstad

Deaf Community Services
1405 Kellum
Fairbanks, AK 99701
(907) 451-5913
(907) 451-4889 (Text Telephone)
Dan LaBrosse, Executive Director

Fairbanks Interpreter Referral Line
P.O. Box 84703
Fairbanks, AK 99708
(907) 456-5913

Fairbanks Resources Agency
805 Airport Way
Fairbanks, AK 99701
(907) 456-8901

Northern Rehabilitation Center
232 Second Street
Fairbanks, AK 99701
(907) 451-0544

Homer

Community Mental Health Center
P.O. Box 2474
Homer, AK 99603
(907) 235-7911 (Voice/Text Telephone)

Independent Living Center of Homer
P.O. Box 2474
Homer, AK 99603
Joyanna Geisler, Executive Director

Juneau

Alaska Rehabilitation Associates
9364 Lakeview Ct
Juneau, AK 99801
Christine & Lee Hagemeir
Rehabilitation and ADA Consultants

Juneau Alliance of the Mentally Ill
P.O. Box 22090
Juneau, AK 99802-2090
(907) 463-4910
(907) 463-5285 (FAX)

S.E. Alaska Independent Living (SAIL)
8800 Glacier Highway, Suite 236
Juneau, AK 99801
(907) 789-9665 (Voice/Text Telephone)
(907) 789-9749 (FAX)
(907) 789-9557 (Text Telephone)
Connie Anderson, Executive Director

REACH Inc.
P.O. Box 34197
Juneau, AK 99803
(907) 789-7673
(907) 789-1326 (FAX)
Rod Moline, Executive Director

Southeast Regional Resource Center
210 Ferry Way, Suite 200
Juneau, AK 99801
(907) 586-6806
JoAnn Henderson, Text Telephone Coord.

Southeast Rehabilitation Services
130 Seward Street, Suite 414
Juneau, AK 99801
(907) 586-6462

SHANTI of Juneau
P.O. Box 22655
Juneau, AK 99802-2655
(907) 463-5665

National Organizations

Sources for Technical Assistance

ABLEDATA
Newington Children's Hospital
181 East Cedar Street
Newington, CT 06111
(203) 667-5405 (Voice/Text Telephone)
1-800-344-5405 (Voice/Text Telephone)

Apple Computer
Worldwide Disability Solutions Group
20525 Mariani Ave.
Cupertino, CA 95014
(408) 974-7910

IBM National Support Center for Persons with Disabilities
P.O. Box 2150
Atlanta, GA 30301
1-800-426-2133 (Voice/Text Telephone)

Job Accommodation Network
West Virginia University
809 Allen Hall
P.O. Box 6123
Morgantown, WV 26506-6123
1-800-232-9675 (Voice/Text Telephone)

National Council in Independent Living
Troy Atrium
Fourth Street and Broadway
Troy, NY 12180
(518) 274-1979
(581) 274-0701 (Text Telephone)

National Organization on Disability
910 16th Street NW, Suite 600
Washington, DC 20006
(202) 293-5960
(202) 293-5968 (Text Telephone)

World Institute on Disability
510 16th Street, Suite 100
Oakland, CA 94612
(415) 763-4100 (Voice/Text Telephone)

Alexander Graham Bell Association for the Deaf, Inc.
3417 Volta Place NW
Washington, DC 20007
(202) 337-4220 (Voice/Text Telephone)

American Amputee Foundation
P.O. Box 250218
Hilcrest Station
Little Rock, AR 72225
(501) 666-2523

American Civil Liberties Union AIDS Project
132 West 43rd Street
New York, NY 10036
(212) 944-9800

National Alliance for the Mentally Ill
2102 Wilson Boulevard, Suite 302
Arlington, VA 22201
(703) 524-7600

National Association for the Physically Handicapped
4230 Emercik Street
Saginaw, MI 48602
(517) 799-3060

American Foundation for the Blind
15 West 16th Street
New York, NY 10011
(212) 620-2000
(212) 620-2158 (Text Telephone)

American Printing House for the Blind
1839 Frankford Ave.
Louisville, KY 40206-0085
(502) 895-2405

National Organization for Rare Disorders
Fairwood Professional Building
P.O. Box 8923
New Fairfield, CT 06812-1783
(203) 746-6518
1-800-999-6673

Dole Foundation for Employment of People with Disabilities
1819 H Street NW, Suite 850
Washington, DC 20006
(202) 457-0318 (Voice/Text Telephone)

Goodwill Industries of America
9200 Wisconsin Avenue
Bethesda, MD 20814
(301) 530-6500

Association for Severely Handicapped Individuals
7010 Roosevelt Way, NE
Seattle, WA 98115
(206) 523-8446
(206) 524-6198 (Text Telephone)

Epilepsy Foundation of America
4351 Garden City Drive
Landover, MD 20785
(301) 459-3700

National Spinal Cord Injury Association
600 West Commings Park, Suite 2000
Woburn, MA 01801
(617) 935-2722

Paralyzed Veterans of America
801 18th Street NW
Washington, DC 20006
(202) 872-1300

Registry of Interpreters for the Deaf
8719 Colesville Road, Suite 310
Silver Spring, MD 20910-3919
(301) 608-0050 (Voice/Text Telephone)

American Arbitration Association
140 West 51st Street
New York, NY 10020
(212) 484-4060

Self-Help for Hard of Hearing People
7800 Wisconsin Avenue NW
Bethesda, MD 20814
(301) 657-2248
(301) 657-2249 (Text Telephone)

Society for Human Resources Management
606 North Washington Street
Alexandria, VA 22314
(703) 548-3440 (ask for Technical and Information Services Unit)

National Association for Retarded Citizens
1522 K Street NW, Suite 516
Washington, DC 20005
(202) 785-3388
(202) 785-3411 (Text Telephone)

National Association of the Deaf
814 Thayer Avenue
Silver Spring, MD 20910-4500
(301) 587-1788
(301) 587-1789 (Text Telephone)

National Easter Seals Society
1350 New York Avenue NW
Washington, DC 20005
(202) 347-3066
(202) 347-7385 (Text Telephone)

National Federation of the Blind
1800 Johnson Street
Baltimore, MD 21230
(301) 659-9314

National ADA Resources

For more specific information about ADA requirements affecting Public Services and Public Accommodations, contact:

Office on the Americans with Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, DC 20035-6118
(202) 514-0301
(202) 514-0383 (Text Telephone)

For more specific information about ADA requirements affecting employment, contact:

Equal Employment Opportunity Commission
1801 L Street NW
Washington, DC 20507
1-800-800-3302 (Text Telephone)
From Alaska call: 1-800-669-4000 (EEOC Regional Office)

For more specific information about ADA requirements affecting transportation, contact:

Department of Transportation
400 Seventh Street SW
Washington, DC 20590
(202) 366-9305
(202) 755-7687 (Text Telephone)

For more specific information about requirements for accessible design in new construction and alterations, contact:

Architectural and Transportation Barriers Compliance Board
111 18th Street NW, Suite 501
Washington, DC 20036
1-800-USA-ABLE (Voice/Text Telephone)

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